

1 Elayna J. Youchah, NV Bar No. 5837
2 youchahe@jacksonlewis.com
3 Lisa A. McClane, NV Bar No. 10139
4 lisa.mcclane@jacksonlewis.com
3 **JACKSON LEWIS P.C.**
4 3960 Howard Hughes Parkway, Suite 450
Las Vegas, Nevada 89169
5 Tel: (702) 921-2460
Fax: (702) 921-2461

6 ***Admitted Pro Hac Vice***

7 Iwana Rademaekers, TX Bar No. 16452560
rademaei@jacksonlewis.com
8 **JACKSON LEWIS P.C.**
9 500 N. Akard, Ste 2500
Dallas, Texas 75201
10 Tel: (214) 520-2400
Fax: (214) 520-2008/

11 *Attorneys for Defendant*

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 JOEY FRONTERA,

16 Plaintiff,

17 v.

18 LIBERTY MUTUAL INSURANCE
COMPANY, as Plan Administrator of the
19 Liberty Mutual Short-Term Disability Plan and
the Liberty Mutual Long-Term Disability Plan;
LIBERTY LIFE ASSURANCE COMPANY
20 OF BOSTON, a Massachusetts Corporation, as
Claims Administrator for the Liberty Mutual
Short-Term Disability Plan and the Liberty
Mutual Long-term Disability Plan; DOES 1
22 through V inclusive; and ROES 1 through V,
23 inclusive,

24 Defendants.

CASE NO. : 2:13-cv-01680-JCM-PAL

UNOPPOSED MOTION TO FILE
JOINT ADMINISTRATIVE RECORD
UNDER SEAL IN ACCORDANCE
WITH LOCAL RULE 10-5

26 Defendants Liberty Mutual Insurance Company ("Liberty Mutual") and Liberty Life
27 Assurance Company of Boston ("Liberty Life") (collectively, "Defendants"), through its
28

undersigned counsel, seeks leave to file the Joint Administrative Record under seal, as it contains personal and confidential medical information.

This Motion is based on Local Rule 10-5 and the Memorandum of Points and Authorities attached hereto.

Dated this 14th day of February, 2014.

JACKSON LEWIS P.C.

/s/ Iwana Rademaekers
Iwana Rademaekers, TX Bar No. 16452560
Admitted Pro Hac Vice
500 N. Akard, Ste 2500
Dallas, Texas 75201

Elayna J. Youchah, NV Bar # 5837
Lisa A. McClane, NV Bar # 10139
3960 Howard Hughes Parkway, Ste. 450
Las Vegas, Nevada 89169

Attorneys for Defendants

MEMORANDUM OF POINTS AND AUTHORITIES

A. Plaintiff Does Not Oppose This Motion.

Defense counsel has conferred in good faith with counsel for Plaintiff, Joey Frontera (“Plaintiff”) concerning this Motion and the relief Defendants seek in the Motion. Plaintiff’s counsel does not oppose the Motion and agrees that Plaintiff’s medical information should be kept from public view.

B. Good Cause Exists To File the Joint Administrative Record Under Seal.

Defendants must show that “good cause” exists to seal the referenced documents. *Spreadbury v. Bitterroot Pub. Library*, 2012 U.S. Dist. LEXIS 16388, at *2–3 (D. Mont. Feb. 9, 2012).¹ Filed contemporaneously with this Motion is the parties’ Joint Administrative Record,

¹ Defendants’ request to seal the Administrative Record is made in conjunction with the filing of a non-dispositive motion, and accordingly the good cause standard applies. *Spreadbury v. Bitterroot Pub. Library*, 2012 U.S. Dist. LEXIS 16388, at *2–3 (D. Mont. Feb. 9, 2012). “In contrast, where a party seeks to seal documents relating to a dispositive motion, the party ‘must overcome a strong presumption of access to judicial records by showing that compelling reasons supported by specific factual findings outweigh the general history of access and the public

which is comprised of 600 pages containing, among other things, numerous copies of Frontera's medical records, tests, and evaluations, and references to and discussions of such records and Frontera's medical conditions. Frontera's "right to privacy of personal medical information records," *id.* at *2–3 (citing *Yin v. California*, 95 F.3d 864, 870 (9th Cir. 1996)), creates good cause to seal the Joint Administrative Record in this case.

2. A less restrictive alternative to filing the Joint Administrative Record under seal—i.e., redaction—is not practical in this case because the redactions would be prohibitively expensive and remove great amounts of substantive information arguably relevant to the dispute.

WHEREFORE, for the foregoing reasons and for good cause shown, Defendants respectfully request that the Court grant this unopposed Motion and enter an Order permitting Defendants to file the Joint Administrative Record under seal as it contains personal and confidential medical information.

Dated this 14th day of February, 2014.

JACKSON LEWIS P.C.

/s/ Iwana Rademaekers
Iwana Rademaekers, TX Bar No. 16452560
Admitted Pro Hac Vice
500 N. Akard, Ste 2500
Dallas, Texas 75201

Elayna J. Youchah, NV Bar # 5837
Lisa A. McClane, NV Bar # 10139
3960 Howard Hughes Parkway, Ste. 450
Las Vegas, Nevada 89169

Attorneys for Defendants

IT IS SO ORDERED this 14th day
of February, 2014.


Peggy A. Leen
United States Magistrate Judge

policies favoring disclosure.'" *Id.* at *2 n.1 (D. Mont. Feb. 9, 2012) (quoting *Pintos v. Pacific Creditors Ass'n*, 605 F.3d 665, 679 (9th Cir. 2010)) (further internal quotation omitted) (alteration omitted). Although the "good cause" standard applies in this case, Defendants make the requisite showing even under the "compelling reasons" standard, given Frontera's right to privacy of personal medical information records.

1
2 **CERTIFICATE OF SERVICE**
3

4 Pursuant to Special Order #109, the following counsel of record registered for the
5 CM/ECF system have been served with the foregoing **UNOPPOSED MOTION TO FILE**
6 **JOINT ADMINISTRATIVE RECORD UNDER SEAL IN ACCORDANCE WITH LOCAL**
7 **RULE 10-5** by electronic means:

8 Julie A. Mersch, Esq.
9 Email: jam@merschlew.com

10 *Attorneys for Plaintiff*

11 Dated this 14th day of February, 2014.

12 _____
13 /s/ Sandy Acker
14 Employee of Jackson Lewis, LLP

15
16
17
18
19
20
21
22
23
24
25
26
27
28